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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,065	10/16/2001	Kimikazu Matsumoto	NECF 19.075	5689

26304 7590 10/30/2003

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NEW YORK, NY 10022-2585

EXAMINER
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BROCK II, PAUL E

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,065

Applicant(s)

MATSUMOTO ET AL.

Examiner

Paul E Brock II

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group II, claims 1 – 3 and 6 – 8 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 4, 5, 9 and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bored part must be shown or the feature(s) canceled from the claim(s). It is not clear in the figures where a bored part is represented. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 3, and 6 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurauchi et al. (JPPAT 10133191A, Kurauchi).

With regard to claim 1, Kurauchi discloses in figure 2 a transparent substrate (2). Kurauchi discloses in figure 2, and paragraphs [0022] – [0024] color filters of three colors (6a, 8c, and 7b) with a bored part (9a, 9b, and 9c) provided at every pixel on the transparent substrate. Kurauchi discloses in figure 2 the color filters of three colors neighboring each other in one direction being connected (10) to each other. Kurauchi discloses in figure 2 a thin film transistor (24, 27, 29a and 29b) opposing the bored part. Kurauchi discloses in figure 2, figure 3, figure 4a, and paragraph [0028] data lines (31) aligned along the one direction.

With regard to claim 2, Kurauchi discloses in figures 2, 3, and 4a further comprising color filters (for example, 6b) formed in the bored parts with a material identical to any one of the color filters of three colors.

With regard to claim 3, Kurauchi discloses in figures 2, 3, and 4a further comprising a grid-like black matrix (portions of 4 in figure 2) including openings formed for all the pixels, and

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a light-shielding film (portion of 4 adjacent to 6b in figure 2) formed in the bored part with a material same as the black matrix.

With regard to claim 6 - 8, Kurauchi discloses in figures 2, 3, and 4a an active matrix type liquid crystal display.

### *Response to Arguments*

6. Applicant's arguments filed August 29, 2003 have been fully considered but they are not persuasive.

7. With regard to applicant's argument that "coloring layer, 6b (see paragraph [0023]), is nowhere present in what the Examiner deems to be the elements corresponding to the color filters of three colors, namely, elements 6a, 8c, and 7b," it should be noted that the claim limitation is met by pointing out the three color filters 6a, 8c, and 7b depicted in figure 2. Color layer 6b is best described in the claim language of claim 2 as being one of the "color filters formed in said bored parts." Color layer 6b is formed of a material identical to that of color filter 6a. Therefore, applicant's arguments are not persuasive, and the rejection is proper.

8. With regard to the applicant's argument that "Kurauchi et al., however, nowhere discloses, teaches or suggests that the color filters have a bored part provided at every pixel on the transparent substrate," it should be noted that Kurauchi clearly depicts elements 9a - 9c as the bored parts in figure 2. While Kurauchi might describe elements 9a - 9c using different

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terminology, there is no claimed difference in the structure of these features and the claimed bored part. Therefore, applicant's arguments are not persuasive, and the rejection is proper.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E Brock II whose telephone number is (703) 308-6236. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the

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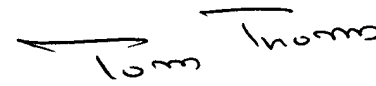
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organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Paul E Brock II  
October 29, 2003



  
TOM THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800